IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1973 /2003

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

PETITIONER : Pramod Kumar Tidu, Aged about 42 years, S/o. Shri Jaipal Tidu R/o. College Road, Jashpur (C.G.)

P. R. No. 1635/03
Presented by Shri Pramod Kumar Tidu
dated 04.06.03

VERSUS

RESPONDENTS :1. The State of Chhattisgarh Through Secretary, Health Department, D.K.S. Bhawan, Raipur (C.G.)

2. Chief Medical and Health officer Jashpur (C.G.)

3. Civil Surgon, Main Hospital Superintendent Jashpur (C.G.)

1. **PARTICULARS OF THE PETITIONER**

As mentioned in the cause title above.

2. **PARTICULARS OF THE RESPONDENTS**

As mentioned in the cause title above.

3. **PARTICULARS OF THE ORDER (S) IMPUGNED AGAINST WHICH PETITION IS MADE AND**

Against the order No. 364/Estt./ अवि/2003 dated 10.06.203 passed by Respondent No.2.

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CLERK TO A.G. BILASPUR

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1973/ सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09.07.2003 Shri Parag Kotecha, counsel for the petitioner. Shri Ranbir Singh, Govt. Advocate for the State/respondents. By this petition under Articles 226 & 227 of the Constitution of India, the petitioner seeks to challenge the order dated 10.06.2003 passed by respondent No.2 by which the petitioner who is working as a Driver has been transferred from Jashpur to Kansabel. It is the allegation of the petitioner that the transfer is mala-fide. The petitioner's wife is working in the Government Girls College, Jashpur. Therefore, the transfer is penal in nature. Hence the transfer be stayed. I have heard the learned counsel appearing on behalf of the petitioner and the learned Govt. Advocate appearing on behalf of the State/respondents. During the arguments, the learned counsel for the petitioner submitted that the petitioner was working at the present place of posting since last three to four years and the place to where the	

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petitioner has been transferred is 70 Kms. away from the present place of posting where his wife is working. Learned counsel further submitted that the petitioner has been transferred in view of the letter Annexure P-3.

The perusal of Annexure P-3 reveals that the petitioner was on leave from 06.05.2003 to 05.06.2003 and he had not applied for leave before 21 days of the commencement of leave, as per the rules, that is why the same was rejected. Moreover, Annexure P-2, by which the petitioner has been transferred shows that at Kansabel the post of Driver was lying vacant and the petitioner has been sent to that place until further orders and this is not a permanent transfer and the present transfer has been made on account of the vacant post of Driver which is lying at Kansabel. Since the petitioner has been sent on a vacant post that too until further orders and he has been posted at a place which is 70 Kms. away from the present place of posting, I do not find any illegality in the transfer order and the same is not mala-fide and arbitrary. The petitioner has been transferred within

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	the same District that too within 70 Kms. distance and from the present place of posting, the petitioner was working since last four years. Therefore, there is no force in this petition and the same is dismissed. **Sd/-** **L.C.BHADOO** **Judge**	

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